

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BROOK NICOLE DENAULT,

Defendant.

CR 19–40–M–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on November 21, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Brook Nicole Denault’s guilty plea after Denault appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to possess

with the intent to distribute methamphetamine in violation of 21 U.S.C. § 846 (Count I), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II-V of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 22), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Brook Nicole Denault's motion to change plea (Doc. 16) is GRANTED and Brook Nicole Denault is adjudged guilty as charged in Count I of the Indictment.

DATED this 10th day of December, 2019.



Dana L. Christensen, Chief District Judge
United States District Court